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BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW
SUITE 300
WASHINGTON, DC 20037

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FACSIMILE: (202) 663-7849

Crystal M. Zorbaugh

ENTERED
Office of Proceedings
September 5, 2019
Part of
Public Record

(202) 663-7831 (Direct Dial)
E-Mail: czorbaugh@bakerandmiller.com

September 5, 2019

BY HAND DELIVERY

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

Re: Norfolk Southern Railway Company – Proposed Abandonment – In The City of Fort Wayne, Indiana, AB-290 (Sub-No. 403X)

Dear Ms. Brown:

Pursuant to 49 C.F.R. Part 1152, Subpart F – Exempt Abandonments and Discontinuances enclosed are an original and 11 copies of a verified notice of exemption for Norfolk Southern Railway Company ("NSR") to abandon rail service over an approximately 2.29 mile rail line segment extending between Milepost GI 0.0 and Milepost GI 2.29 in the City of Fort Wayne, IN ("Line").

Please acknowledge receipt and filing of this notice of exemption by date stamping the enclosed eleventh copy and returning it to the courier for return to me. This submission also includes an electronic copy of the entire filing and a separate electronic file of a draft Federal Register notice. A check in the amount of \$4,200.00 is enclosed to cover the applicable filing fee. If there are any questions about this matter, please contact me directly, either by telephone: 202-663-7831 or by e-mail: czorbaugh@bakerandmiller.com or William A. Mullins, who can be reached at (202) 663-7823 or by e-mail at wmullins@bakerandmiller.com.

FEE RECEIVED

September 5, 2019

SURFACE

TRANSPORTATION BOARD

Enclosures

cc: Greg Summy, Garrett Urban, Laura Hoag, Scott Plum

Sincerely,



Crystal M. Zorbaugh

Attorney for Norfolk Southern Railway Company

FILED

September 5, 2019

SURFACE

TRANSPORTATION BOARD

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-290 (Sub-No. 403X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN THE CITY OF FORT WAYNE, INDIANA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

**Greg E. Summy
General Solicitor
NORFOLK SOUTHERN CORPORATION
Three Commercial Place
Norfolk, Virginia 23510
Tel: (757) 533-4939
Fax: (757) 533-4872**

**William A. Mullins
Crystal M. Zorbaugh
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7820
Fax: (202) 663-7849**

September 5, 2019

**Attorneys for Norfolk Southern Railway
Company**

***This filing contains color.**

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-290 (Sub-No. 403X)

**NORFOLK SOUTHERN RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN THE CITY OF FORT WAYNE, INDIANA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

INTRODUCTION AND BACKGROUND

Norfolk Southern Railway Company ("NSR") hereby submits a verified notice of exemption pursuant to 49 C.F.R. part 1152, subpart F (Exempt Abandonments and Discontinuances) for NSR to abandon rail service over an approximately 2.29 mile rail line segment extending between Milepost GI 0.0 and Milepost GI 2.29 in the City of Fort Wayne, IN ("Line").¹

On June 21, 1995, NSR's predecessor, Norfolk and Western Railway Company ("N&W") sought regulatory approval to acquire and operate the Line, a main line from Conrail's Milepost 319.2 (at Fort Wayne, IN) to Milepost 363.0 (at Warsaw, IN), and one other industrial track line segment from Consolidated Rail Corporation ("Conrail"). See Norfolk and Western Railway Company - Purchase and Operation Exemption - Consolidated Rail Corporation Line, Fort Wayne to Warsaw, Indiana - Petition for Exemption, FD 32736 (ICC served Aug. 29, 1995). N&W purchased the main line and two industrial tracks to give N&W an alternate route and expanded capacity between Fort Wayne, IN and Chicago, IL. The 1995 transaction was part of a series of transactions aimed at

¹ As explained herein, the Line being proposed for abandonment has a complicated history, which may have unintentionally resulted in NSR failing to seek abandonment authority in a timely manner for certain segments of the Line. Although no definitive conclusion has been reached as to whether the Line is §10901 or § 10906 track, NSR has decided to seek abandonment authority for the entire Line out of an abundance of caution to clean up the regulatory record to extent the Board believes abandonment authority should have been sought.

eliminating congestion on a main line that had reached "a saturation point." The Line being proposed for abandonment, which was referred to in FD 32736 as the "Fourth Street Industrial Track" used Conrail's milepost for the Line which at that time was Milepost -0.9 to Milepost 0.95. It is unclear from 1995 regulatory filings and decisions whether N&W intended the two industrial track segments to be 49 U.S.C. § 10901 or § 10906 track. Following the transaction, the Line did not connect to any trackage to the north or otherwise provide N&W with a through route. Adding to the confusion, in 1975, the Line was excluded from Conrail's Final System Plan ("FSP"), which was submitted to Congress on July 26, 1975, in accordance with Section 208(a) of the Regional Rail Reorganization Act of 1973 (PL 93-236). Prior to Conrail acquiring the Line, it was part of Penn Central's Waterloo Branch.

Sometime in the late 1990s, NSR, as successor to N&W, began to look at N&W's various lines in the region in order to determine, which rail lines were still be utilized to serve shippers in the region, which ones were not and could be handled as normal track retirements (for § 10906 track), and to the extent NSR wished to terminate its common carrier obligations, which ones NSR would need to seek abandonment authority. It was unclear at that time based on the Line's prior use, location, and infrastructure as to whether the Line (known as the Fourth Street Industrial Track) was § 10901 or § 10906 track. Complicating matters, NSR was in a dispute with CSX over another rail line in the area, so NSR chose to delay taking action with respect to the Line. Around the same time, the City of Fort Wayne encouraged NSR to eliminate grade crossings over the Line and expressed an interest in using a portion of the inactive rail line for a flood control project.

In 2000, OmniSource the only shipper on the Line, decided to cease rail operations over the Line because it had a second facility in Fort Wayne, which was also rail served. OmniSource expressed an interest in purchasing a portion of the Line adjacent to its facility and offered to give NSR a rail easement should the sale close prior to NSR acquiring abandonment authority. Because of the

uncertainty of the track's classification in its original acquisition, in 2000 NSR decided internally to seek abandonment authority out of an abundance of caution.

In 2001, NSR came to the determination that the "Fourth Street Industrial Track" was an industrial track under Conrail's Final System Plan ("FSP"). After making this determination, NSR retired the Line pursuant to NSR's normal track retirement policy (for § 10906 track) and NSR's real estate department proceeded to sell certain segments of the Line without retaining a rail easement:²

- A portion of Milepost GI 1.73 - Milepost GI 1.85 was sold to Schenkel and Sons, Inc. in April 2008 and a portion was sold to Applied Metals & Machine Works Company, Inc. in June 2008 (each took 50' of the ROW from centerline between these two mileposts);
- A small segment of the right-of-way between Milepost GI 0.92 - Milepost GI 1.04 was sold to Calhoun Investments, LLC in October 2005; and,
- A small segment of the right-of-way between Milepost GI 0.44 - Milepost GI 0.92 was sold to RFI, LLC (aka OmniSource) in October 2001.³

NSR was recently reviewing its records and ownership interests and in doing so discovered that NSR failed to seek abandonment authority for the Line when it appears it may have been required to do so. While no definitive conclusion has been reached as to whether the Line is § 10901 or § 10906 track, NSR is seeking abandonment authority out of an abundance of caution to clean up the regulatory record to the extent the Board believes abandonment authority should have been sought. If abandonment authority indeed was required, NSR sincerely apologizes for the mistake and corresponding delay in seeking authority.

² Because NSR decided that the Line was § 10906 track, NSR retired and salvaged certain portions of the Line. NSR confirms all tracks from Milepost GI 2.04 to Milepost GI 0.0 have been removed. NSR further confirms there were no structures located on that portion of the Line that NSR has already salvaged.

³ In a July 11, 2000 letter agreement, OmniSource did provide NSR an easement to restore the Line at OmniSource's expense if NSR proceeded with closing the sale of the property prior to obtaining any necessary Board approval, although such an easement was not reflected in the eventual sale.

Lastly, while NSR is seeking to abandon the entire Line, NSR plans to convert the portion of Line from Milepost GI 1.85 to Milepost GI 2.29⁴ (where it connects to NSR's B -Line) from common carrier track to § 10906 track ("Converted 10906 Segment") to support current and future operation needs on NSR's nearby mainline. No shippers have been served by the Line for nearly two decades and the sole shipper located on the Line at that time supported the abandonment. As such, converting the Converted 10906 Segment from common carrier track to § 10906 track will not impact any shippers. The entirety of the Line is located in the City of Fort Wayne, Indiana.

In accordance with the requirements of 49 C.F.R. §§ 1152.50(b) and (d), NSR provides the following information in support of this notice of abandonment:

Certification: 49 C.F.R. § 1152.50(b)

NSR certifies that the Line satisfies the criteria for abandonment under the exemption provisions at 49 C.F.R. part 1152, subpart F. See Certification of Todd L. Reynolds, General Manager Operations – Central Region for Norfolk Southern Railway Company (Exhibit A). During the past two years, NSR has provided no local or overhead traffic over the Line; overhead traffic, if there were any, could be rerouted over other lines; and no formal complaint has been filed by a user of rail service on the Line or a state or local government entity acting on behalf of such user regarding cessation of service over the Line is either pending before the Surface Transportation Board or any U.S. District Court, or has been decided in favor of the complainant within the two-year period.

⁴ While no tracks remain in place from Milepost GI 1.85 to Milepost GI 2.04, NSR has determined to convert that portion of the Line to § 10906 to support rail operations on a nearby NSR rail line.

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

The proposed abandonment will be consummated on or after October 25, 2019 (50 days after filing the notice of exemption).

Additional Information Required: 49 C.F.R. §§ 1152.22(a)(1)-(4), (7)-(8) and (e)(4)

Exact name of applicant (49 C.F.R. § 1152.22(a)(1)):

Norfolk Southern Railway Company

Whether applicant is a common carrier by railroad (49 C.F.R. § 1152.22(a)(2)):

Norfolk Southern Railway Company is a common carrier by railroad subject to the Board's jurisdiction under 49 U.S.C. Subtitle IV.

Relief sought (49 C.F.R. § 1152.22(a)(3)):

NSR hereby invokes the Board's two-year-out-of-service class exemption procedures to abandon rail service over an approximately 2.29-mile rail line segment extending between Milepost GI 0.0 and Milepost GI 2.29 in the City of Fort Wayne, IN. While NSR is seeking to abandon the entire Line, NSR plans to convert the portion of Line from Milepost GI 1.85 to Milepost GI 2.29⁵ (where it connects to NSR's B -Line) from common carrier track to § 10906 track ("Converted 10906 Segment") to support current and future operation needs on NSR's nearby mainline. No shippers have been served by the Line for nearly two decades and the sole shipper located on the Line at that time supported the abandonment. As such, converting the Converted 10906 Segment from common carrier track to § 10906 track will not impact any shippers. All of the Line is located in the City of Fort Wayne, Indiana. The Line traverses United States Postal Zip Code territories 46805 and 46808.

Map (49 C.F.R. § 1152.22(a)(4)):

A detailed map showing the location of the Line is attached hereto as Exhibit B.

⁵ While no tracks remain in place from Milepost GI 1.85 to Milepost GI 2.04, NSR has determined to convert that portion of the Line to 10906 to support rail operations on a nearby NSR rail line.

Applicant's representatives (49 C.F.R. § 1152.22(a)(7)):

NSR's representatives to whom correspondence should be sent is as follows:

William A. Mullins
Crystal M. Zorbaugh
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW, Suite 300
Washington, DC 20037
Tel: (202) 663-7820
Fax: (202) 663-7849

USPS ZIP codes (49 C.F.R. § 1152.22(a)(8)):

The Line is located in the following United States Postal Zip Code territories 46805 and 46808.

Suitability of the Line for Other Public Purposes (49 C.F.R. § 1152.22(e)(4)):

The City of Fort Wayne is completing a road improvement project at the northern end of the abandonment, near Milepost GI 0.0. The City's road improvement project is a suitable, alternative public use of the right-of-way. Additionally, given that NSR plans to convert the portion of Line from Milepost GI 1.85 to Milepost GI 2.29 (where it connects to NSR's B -Line) from common carrier track to § 10906 track that portion of the Line would not be suitable for alternative public purposes. Likewise, the various portions of the Line that NSR has already sold would not be suitable for alternative public purposes. The Line does not contain any federally granted right-of-way. As appropriate, NSR is willing promptly to make available any information in its possession to anyone so requesting it.

Labor Protection

Because the Line has been inactive for well over two years, no railroad employees will be adversely affected by exercise of abandonment authority. Nevertheless, the interests of NSR's employees who may be adversely affected by the proposed abandonment will be adequately protected by the labor protective conditions set forth in Oregon Short Line R. Co – Abandonment – Goshen, 360 I.C.C. 91 (1979).

Certifications

Attached hereto as Exhibit C are Certificates of Service and Publication certifying compliance with the advance notice and newspaper publication requirements set forth at 49 C.F.R. § 1152.50(d)(1) and 49 C.F.R. § 1105.12, respectively. Attached as part of Exhibit D is a certificate of compliance with the advance notice requirements for Environmental and Historic Reports as set forth at 49 C.F.R. § 1105.11.

Environmental and Historic Report

As is reflected in the certificate of compliance with the provisions of 49 C.F.R. § 1105.11 (see Exhibit D), NSR has prepared a combined Environmental and Historic Report ("E&HR") in anticipation of the proposed abandonment portion of the proceeding, which conforms to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8. A copy of the E&HR is attached hereto as Attachment 1 to Exhibit D (§ 1105.11 certification).

Greg E. Summy
General Solicitor
NORFOLK SOUTHERN CORPORATION
Three Commercial Place
Norfolk, Virginia 23510
Tel: (757) 533-4939
Fax: (757) 533-4872

Respectfully submitted,



William A. Mullins
Crystal M. Zorbaugh
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7820
Fax: (202) 663-7849

September 5, 2019

Attorneys for Norfolk Southern Railway Company

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-290 (Sub-No. 403X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN THE CITY OF FORT WAYNE, INDIANA**

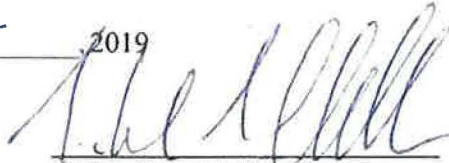
VERIFIED NOTICE OF EXEMPT ABANDONMENT

VERIFICATION

Verification

I, Michael McClellan, Vice President for Norfolk Southern Railway Company ("NSR") hereby verify under penalty of perjury that to the best of my knowledge, the foregoing abandonment notice of exemption is true and correct. Further, I certify that I am qualified and authorized to make such verification on behalf of NSR in connection with this proceeding before the Surface Transportation Board.

Executed this 29 day of August, 2019

A handwritten signature in blue ink, appearing to read 'Michael McClellan', is written over a horizontal line.

Michael McClellan
Vice President
Norfolk Southern Railway Company

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-290 (Sub-No. 403X)

**NORFOLK SOUTHERN RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN THE CITY OF FORT WAYNE, INDIANA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT A

CERTIFICATION

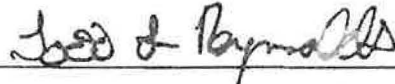
CERTIFICATION

STATE OF OHIO:

SS:

CITY OF CINCINNATI:

Todd L. Reynolds makes oath and says that he is General Manager Operations – Central Region for Norfolk Southern Railway Company (NSR); that the rail line between Milepost GI 0 and Milepost GI 2.29, over which service is to be discontinued, is subject to his supervision and direction; that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.



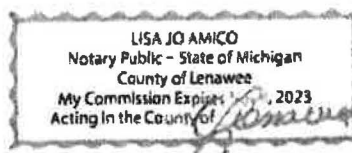
Todd L. Reynolds

Subscribed and sworn to before me this
15 day of August, 2019.


Notary Public

My commission expires:

11.4.2023



**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-290 (Sub-No. 403X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN THE CITY OF FORT WAYNE, INDIANA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT B

MAP



**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-290 (Sub-No. 403X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN THE CITY OF FORT WAYNE, INDIANA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT C

CERTIFICATES OF SERVICE/PUBLICATION

Certificate of Service of Advance Notice

49 C.F.R. § 1152.50(d)(1) – Notice

I certify that, on August 23, 2019, in keeping with 49 C.F.R. § 1152.50(d)(1), I caused the following parties to be served with the written notice of intent of Norfolk Southern Railway Company to invoke the Board's notice of exemption procedures to abandon rail service over an approximately 2.29 mile rail line segment extending between Milepost GI 0.0 and Milepost GI 2.29 in the City of Fort Wayne, IN ("Line"). I further certify that the Line does not contain any federally granted right of way.

Public Service Commission, et al.

Indiana Utility Regulatory Commission
PNC Center
101 W. Washington Street, Suite 1500E
Indianapolis, IN 46204

Indiana Department of Transportation
Railroad Section
100 North Senate Ave., IGC-N, Room N901
Indianapolis, IN. 46204

Department of Defense (Military Traffic Management Command, Transportation Engineering Agency, Railroads for National Defense Program)

David Dorfman
Headquarters Military Surface Deployment and Distribution Command
Transportation Engineering Agency
ATTN: SDTE-SA
Railroads for National Defense Program
1 Soldier Way, Building 1900W
Scott AFB, IL 62225

The National Park Service, Recreation Resources Assistance Division

Mr. Stephan Nofield
National Park Service
Rivers, Trails and Conservation Assistance Program
1849 C Street NW, Room 1344
Washington DC 20240

U.S. Department of Agriculture, Chief of the Forest Service

Vicki Christiansen, Chief
Forest Service
U.S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street SW
Washington, DC 20024

September 5, 2019

A handwritten signature in black ink, appearing to read "Crystal M. Zorbaugh", written over a horizontal line.

Crystal M. Zorbaugh

Attorney for Norfolk Southern Railway Company

Certificate of Newspaper Publication

49 C.F.R. § 1105.12 – Newspaper Notice

I certify that a “Notice of Intent to Abandon Rail Service” was published in the form prescribed by the Board for abandonment notices of exemption (49 C.F.R. § 1105.12). The notice was published one time on August 31, 2019, in Journal Gazette, a newspaper of general circulation in the City of Fort Wayne, Indiana.

September 5, 2019

A handwritten signature in cursive script, appearing to read "Crystal M. Zorbaugh", written over a horizontal line.

Crystal M. Zorbaugh

Attorney for Norfolk Southern Railway Company

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-290 (Sub-No. 403X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN THE CITY OF FORT WAYNE, INDIANA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT D

**CERTIFICATE OF COMPLIANCE WITH
ENVIRONMENTAL AND HISTORIC REPORT
REQUIREMENTS**

Environmental and Historic Report
Certificate of Service

Pursuant to the requirements of 49 C.F.R. § 1105.7(b) and 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No. AB-290 (Sub-No. 403X) was mailed via first class mail on August 6, 2019 to the following parties:

STATE HISTORIC PRESERVATION OFFICE

Ms. Beth McCord
Deputy State Historic Preservation Officer
Indiana Department of Natural Resources
402 W. Washington Street, W274
Indianapolis, IN 46204

STATE DOT

Ms. Venetta Keefe
Rail Programs Manager
Indiana Department of Transportation
100 North Senate Ave., IGCN 955
Indianapolis, IN. 46204

US ENVIRONMENTAL PROTECTION AGENCY

US EPA
William Jefferson Clinton (WJC) Building
1200 Pennsylvania Ave., NW
Mail Code 1101-A
Washington, DC 20460

REGIONAL/STATE EPA

Ms. Virginia Laszewski
NEPA Program Office
US EPA Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3507

Indiana Department of Environmental Management
Government Center North
100 North Senate Avenue
Indianapolis, IN 46204

CITY

Mayor Tom Henry
City of Fort Wayne
Office of the Mayor
200 East Berry Street
Fort Wayne, Indiana 46802

COUNTY

Mr. Chris Cloud
Chief of Staff, Allen County
Citizens Square
200 East Berry Street, Suite 410
Fort Wayne, Indiana 46802

US ARMY CORPS OF ENGINEERS

Mr. Aaron Damrill
US Army Corps of Engineers
Regulatory Michiana Branch
2422 Viridian Drive, Suite #200
South Bend, IN 46628-3561

STATE COASTAL ZONE MANAGEMENT

Ms. Kathryn Vallis
Coastal Resources Planner
Indiana Department of Natural Resources, Lake Michigan
Coastal Program
402 W. Washington St., Room W267
Indianapolis, IN 46204

FISH AND WILDLIFE SERVICE

Mr. Charles Wooley
Regional Director
United States Fish & Wildlife Service
Midwest Region 3
5600 American Boulevard West, Suite 990
Bloomington, MN 55437

NATIONAL PARK SERVICE

Mr. Stephan Nofield
National Park Service
Rivers, Trails, and Conservation Assistance Program
1849 C. Street NW, Room 1344
Washington, DC 20240

Mr. David Thomson
National Park Service, Midwest Regional Office
Rivers, Trails, and Conservation Assistance Program
601 Riverfront Dr.
Omaha, NE 68102

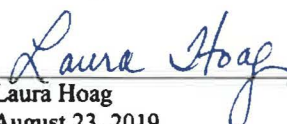
NATIONAL GEODETIC SURVEY

Communications and Outreach Branch, NOAA, N/NGS12
National Geodetic Survey, SSMC3 #9340
1315 East West Highway
Silver Spring, MD 20910-3282

NATURAL RESOURCES CONSERVATION SERVICE

Mr. Salvador Salinas
Regional Conservationist – Central
USDA Natural Resources Conservation Service
1400 Independence Ave SW, #5204-S
Washington, DC 20250

Mr. Jerry Raynor
State Conservationist
USDA NRCS Indiana State Office
6013 Lakeside Drive
Indianapolis, IN 46278



Laura Hoag
August 23, 2019

ATTACHMENT 1

**ENVIRONMENTAL AND HISTORIC REPORT
INCLUDING SAMPLE TRANSMITTAL LETTER**

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

AB-290 (Sub-No. 403X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– PROPOSED ABANDONMENT –
IN THE CITY OF FORT WAYNE, INDIANA**

Combined Environmental and Historic Report

Norfolk Southern Railway Company (“NSR”) submits this Combined Environmental and Historic Report (“E&HR”) pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, in connection with NSR’s proposed abandonment of an approximately 2.29 miles of rail line from Milepost GI 0.0 to Milepost GI 2.29 (“Line”) in the City of Fort Wayne, Indiana.¹

August 6, 2019

¹ The Line being proposed for abandonment has a complicated history, which appears to have unintentionally resulted in NSR failing to seek abandonment authority in a timely manner for certain segments of the Line. On June 21, 1995, NSR’s predecessor, Norfolk and Western Railway Company (“N&W”) sought regulatory approval to acquire and operate the Line, a main line from Conrail’s Milepost 319.2 (at Fort Wayne, IN) to Milepost 363.0 (at Warsaw, IN), and one other industrial track line segment from Consolidated Rail Corporation (“Conrail”). See Norfolk and Western Railway Company – Purchase and Operation Exemption – Consolidated Rail Corporation Line, Fort Wayne to Warsaw, Indiana – Petition for Exemption, FD 32736 (ICC served Aug. 29, 1995). N&W purchased the main line and two industrial tracks to give N&W an alternate route and expanded capacity between Fort Wayne, IN and Chicago, IL. The 1995 transaction was part of a series of transactions aimed at eliminating congestion on a main line that had reached “a saturation point.” The Line being proposed for abandonment, which was referred to in FD 32736 as the “Fourth Street Industrial Track” used Conrail’s milepost for the Line which at that time was Milepost -0.9 to Milepost 0.95. It is unclear from 1995 regulatory filings and decisions whether N&W intended the two industrial track segments to be 49 U.S.C. § 10901 or § 10906 track. Following the transaction, the Line did not connect to any trackage to the north or otherwise provide N&W with a through route. Adding to the confusion, in 1975, the Line was excluded from Conrail’s Final System Plan (“FSP”), which was submitted to Congress on July 26, 1975, in accordance with Section 208(a) of the Regional Rail Reorganization Act of 1973 (PL 93-236). Prior to Conrail acquiring the Line, it was part of Penn Central’s Waterloo Branch.

Background

The Line has not served shippers since March 2000. Sometime in the late 1990s, NSR, as successor to N&W, began to look at N&W's various lines in the region in order to determine, which rail lines were still be utilized to serve shippers in the region, which ones were not and could be handled as normal track retirements (for § 10906 track), and to the extent NSR wished to terminate its common carrier obligations, which ones NSR would need to seek abandonment authority. It was unclear at that time based on the Line's prior use, location, and infrastructure as to whether the Line (known as the Fourth Street Industrial Track) was § 10901 or § 10906 track. Following N&W's acquisition in 1995, the Line did not connect to any trackage to the north or otherwise provide N&W with a through route. Complicating matters, NSR was in a dispute with CSX over another rail line in the area, so NSR chose to delay taking action with respect to the Line. Around the same time, the City of Fort Wayne was encouraging NSR to eliminate grade crossings over the Line. The City also wanted to use a portion of the inactive rail line for a flood control project.

In 2000, OmniSource the only shipper on the Line, decided to cease rail operations over the Line because it had a second facility in Fort Wayne, which was also rail served. OmniSource expressed an interest in purchasing a portion of the Line adjacent to its facility and offered to give NSR a rail easement should the sale close prior to NSR acquiring abandonment authority. Because of the uncertainty of the track's classification in its original acquisition, in 2000 NSR decided internally to seek abandonment authority out of an abundance of caution. Sometime in 2001, NSR came to the determination that the "Fourth Street Industrial Track" was an industrial track under the FSP. After making this determination, NSR retired the Line pursuant to NSR's normal track retirement policy (for § 10906 track). Shortly thereafter, NSR's real estate department proceeded

to sell certain segments of the Line without retaining a rail easement:

- A portion of Milepost GI 1.73 –Milepost GI 1.85 was sold to Schenkel and Sons, Inc. in April 2008 and a portion was sold to Applied Metals & Machine Works Company, Inc. in June 2008 (each took 50' of the ROW from centerline between these two mileposts);
- A small segment of the right-of-way between Milepost GI 0.92 –Milepost GI 1.04 was sold to Calhoun Investments, LLC in October 2005; and,
- A small segment of the right-of-way between Milepost GI 0.44 –Milepost GI 0.92 was sold to RFI, LLC (aka OmniSource) in October 2001.²

In addition to these sales of portions of the real estate underlying the Line, all tracks on the portion of the Line from Milepost GI 2.04 to Milepost GI 0.0 have been removed.³

NSR was recently reviewing its records and ownership interests and in doing so discovered that NSR failed to seek abandonment authority for the Line when it appears it may have been required to do so. While no definitive conclusion has been reached as to whether the Line is § 10901 or § 10906 track, NSR is seeking abandonment authority out of an abundance of caution and to clean up the regulatory record to extent the Board believes abandonment authority should have been sought. If abandonment authority indeed was required, NSR apologizes for the mistake and corresponding delay in seeking authority. Lastly, while NSR is seeking to abandon the entire Line, NSR plans to convert the portion of Line from Milepost GI 1.85 to Milepost GI 2.29 (where it connects to NSR's B-Line) from common carrier track to § 10906 track ("Converted 10906 Segment") to support current and future operation needs on NSR's nearby main line. To be clear,

² In a July 11, 2000 letter agreement, OmniSource did provide NSR an easement to restore the Line at OmniSource's expense if NSR proceeded with closing the sale of the property prior to obtaining any necessary Board approval, although such an easement was not reflected in the eventual sale.

³ There were no structures on the segment of the Line that was already salvaged.

no shippers have been served by the Line for well over a decade and the sole shipper located on the Line at that time supported the abandonment. As such, converting the Converted 10906 Segment from common carrier track to § 10906 track will not impact any shippers.

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ENVIRONMENTAL REPORT

49 CFR 1105.7(e)(1)

Proposed Action and Alternatives

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

RESPONSE: NSR proposes to abandon its common carrier obligation over approximately 2.29 miles of rail line from Milepost GI 0.0 to Milepost GI 2.29 ("Line") in the City of Fort Wayne, Indiana. There is one structure (bridge) located at Milepost GI 2.18, on the portion of the Line to be converted.

NSR serves no customers on the Line. No traffic has moved on or over the Line since March 2000, and section of the rail line between Milepost GI 2.04 to Milepost GI 0.0 has been removed and certain portions of the real estate underlying the Line discussed above were sold. The remainder of the Line from Milepost GI 2.29 to Milepost GI 1.85 (Converted 10906 Segment) is being reclassified from § 10901 track to § 10906 to the extent abandonment authority is required for the Line. Unlike a typical abandonment, NSR will not be conducting any further salvage activities. As such, NSR believes that no storm water mitigation measures including, but not limited to, a National Pollutant Discharge Elimination System permit will be required, because no further salvage activities will be conducted. No ballast will be removed, and no soil disturbance will occur. No digging or burying of any kind will be permitted. There is one structure (a bridge) on the Line; it is located on the Converted 10906 Segment. However, NSR does not intend to remove or dismantle the bridge.

The alternative to abandonment is to not abandon the Line and force NSR maintain a common carrier obligation where no need for rail service exists, or has existed in nearly two

decades. The alternative is not satisfactory. NSR would incur opportunity and other holding costs that would need to be covered by non-existent shippers were the Line be retained.

A map depicting the Line is attached as **Appendix A**. An example of NSR's letter to federal, state and local government agencies along with a list of the consulting agencies that NSR has contacted is attached as **Appendix B**. Comments received as a result of NSR's written requests for feedback can be found in **Appendix C**. A bridge list is attached as **Appendix D**.

49 CFR 1105.7(e)(2) Transportation system.

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

RESPONSE: Effects of the proposed action on regional or local transportation systems and patterns would be negligible. There has been no NSR rail freight or passenger traffic originating or terminating on the Line proposed for abandonment in nearly two decades.

49 CFR 1105.7(e)(3) Land use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

RESPONSE: An outline of future land use plans has been requested from the City of Fort Wayne, Indiana, and Allen County, Indiana, both of which were asked to comment on the consistency of the proposed abandonment of the Line with existing land use plans.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

RESPONSE: NSR does not believe the abandonment will have any adverse impact on prime agricultural land because the Line to be abandoned is in the City of Fort Wayne. However, a copy of this E&HR has been mailed to The United States Department of Agriculture Natural

Resources Conservation Service ("USDA NRCS") for its information and to provide USDA NRCS an opportunity to comment.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec. 1105.9.

RESPONSE: This Line is adjacent to the St. Mary's River. A copy of this E&HR has been mailed to the Indiana Department of Natural Resources (IDNR), Office of Coastal Management. NSR has no reason to believe that the proposed abandonment would be inconsistent with the coastal zone management plan because NSR will not be conducting any further salvage activities. In email correspondence dated August 15, 2019, the IDNR Office of Coastal Management informed NSR that the proposed abandonment was outside of the Lake Michigan Coastal Program's service boundaries of the Lake Michigan Watershed. The IDNR Office of Coastal Management suggested NSR contact IDNR Division of Fish and Wildlife for its input regarding potential environmental impacts resulting from the proposed abandonment. NSR provided a courtesy copy of the E&HR to the IDNR Division of Fish and Wildlife. In email correspondence dated August 22, 2019, the IDNR Division of Fish and Wildlife indicated a review was not warranted as no salvage activities will be performed. A copy of the correspondence can be found in Exhibit C.

(iv) If the proposed action is an abandonment state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why.

RESPONSE: The City of Fort Wayne is completing a road improvement project at the northern end of the abandonment, near Milepost GI 0.0. The City's road improvement project is a suitable, alternative public use of the right-of-way. Additionally, given that NSR plans to convert the portion of Line from Milepost GI 1.85 to Milepost GI 2.29 (where it connects to NSR's B-Line) from common carrier track to § 10906 track that portion of the Line would not be suitable

for alternative public purposes. Likewise, the various portions of the Line that NSR has already sold would not be suitable for alternative public purposes.

49 CFR 1105.7(e)(4) Energy.

(i) Describe the effect of the proposed action on transportation of energy resources.

RESPONSE: Development and transportation of energy resources will not be affected by the abandonment. There has been no freight or passenger traffic originating or terminating on the Line for nearly two decades.

(ii) Describe the effect of the proposed action on recyclable commodities.

RESPONSE: Movement or recovery of recyclable commodities will not be affected by the abandonment. There has been no freight or passenger traffic originating or terminating on the Line for nearly two decades.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

RESPONSE: The proposed action involves the abandonment and of a rail Line that has been inactive for nearly two decades, and as such will not result in an increase or decrease in overall energy. A portion of the Line has already been removed and salvaged.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year; or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

RESPONSE: No traffic will be diverted from rail to motor carriage as a result of the proposed action, so the above thresholds will not be exceeded. Accordingly, there is no need to produce data on diverted traffic or to quantify the net change in energy consumption.

49 CFR 1105.7(e)(5) Air.

(i) If the proposed action will result in either:

- (A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or*
- (B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or*
- (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.*

RESPONSE: The above thresholds will not be exceeded.

(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:

- (A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,*
- (B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or*
- (C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.*

RESPONSE: The above thresholds will not be exceeded.

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

RESPONSE: Not applicable.

49 CFR 1105.7(e)(6) Noise.

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

- (i) An incremental increase in noise levels of three decibels Ldn or more; or*
- (ii) An increase to a noise level of 65 decibels Ldn or greater.*

If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

RESPONSE: The above thresholds will not be exceeded.

49 CFR 1105.7(e)(7) Safety.

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

RESPONSE: Abandonment of the Line will have no adverse impact on public health and safety.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

RESPONSE: Not applicable.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

RESPONSE: NSR has no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on the right-of-way or in areas adjacent to the Line.

49 CFR 1105.7(e)(8) Biological Resources.

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

RESPONSE: NSR does not believe the abandonment will have any adverse impact on surrounding habitats and species because no further salvaging will occur. There is no NSR rail freight or passenger traffic originating or terminating on the Line. A copy of this E&HR has been mailed to the U.S. Fish and Wildlife Service to ascertain any impacts to surrounding habitats and species. In an August 7, 2019 email correspondence, the U.S. Fish and Wildlife Service responded that the proposed abandonment is not likely to affect endangered and threatened species. A copy of that correspondence can be found in Appendix C.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

RESPONSE: The Line does not pass through state parks or forests, national parks or forests, or wildlife sanctuaries. As such, no adverse effects on wildlife sanctuaries, national parks or forests, or state parks or forests are anticipated. Regardless, NSR requested input from the National Park Service. No comments have been received yet.

49 CFR 1105.7(e)(9) Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

RESPONSE: NSR does not intend to remove or alter the contour of the roadbed underlying the Line to be abandoned by way of excavation or other ground-disturbance activity. No further salvaging is anticipated. Accordingly, no soils will be disturbed as a result of the proposed abandonment, and no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit will be required. There are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, so, for this reason also, the proposed abandonment will not result in water quality impacts.

Consultation has been requested from the Indiana Department of Environmental Management and the United States Environment Protection Agency (USEPA). No comments have been received yet.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

RESPONSE: The geometry of the roadbed will not be altered and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent wetlands are

expected in connection with the proposed abandonment. NSR will not be conducting any further salvage activities. Consequently, the railroad does not believe a Section 404 permit will be required in connection with the proposed abandonment. Consultation was requested from the U.S. Army Corps of Engineers Detroit District (USACE).

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

RESPONSE: NSR does not plan to remove or alter the roadbed underlying the Line to be abandoned, or to undertake in-stream work or to dredge or use any fill materials. There will be no excavation or other ground-disturbance activity, and, because no soils will be disturbed, no storm water mitigation measures – including, but not limited to, a National Pollutant Discharge Elimination System permit – will be required. NSR anticipates that the abandonment will not affect water quality and that additional permitting under Section 402 will not be required. NSR will not be conducting any further salvage activities. NSR has requested input from the U.S. Environmental Protection Agency (USEPA) and the Indiana Department of Environmental Management (as indicated in the preceding section). No comments have been received yet.

49 CFR 1105.7(e)(10) Proposed Mitigation.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

RESPONSE: Abandonment of the Line is not expected to produce adverse environmental impacts for the reasons set forth above.

HISTORIC REPORT

49 CFR 1105.8(d)

PROPOSED ACTION AND ALTERNATIVES

NSR proposes to abandon its common carrier obligation over approximately 2.29 miles of rail line from Milepost GI 0.0 to Milepost GI 2.29 ("Line") in the City of Fort Wayne, Indiana. NSR serves no customers on the Line. No traffic has moved on or over the Line since March 2000, and sections of the rail line between Milepost GI 2.04 to Milepost GI 0.0 have been removed and certain portions of the real estate underlying the Line discussed above were sold. The remainder of the Line from Milepost GI 2.29 to Milepost GI 1.85 (Converted 10906 Segment) is being reclassified from § 10901 track to § 10906 to the extent abandonment authority is required for the Line. Unlike a typical abandonment, NSR will not be conducting any further salvage activities. As such, NSR believes that no storm water mitigation measures including, but not limited to, a National Pollutant Discharge Elimination System permit will be required, because no further salvage activities will be conducted. No ballast will be removed, and no soil disturbance will occur. No digging or burying of any kind will be permitted. There is one structure (a bridge) on the Line; it is located on the Converted 10906 Segment. NSR does not intend to remove or dismantle the bridge.

The alternative to abandonment is to not abandon the Line and force NSR maintain a common carrier obligation where no need for rail service exists, or has existed in nearly two decades. The alternative is not satisfactory. NSR would incur opportunity and other holding costs that would need to be covered by non-existent shippers were the Line be retained.

A map depicting the Line is attached as **Appendix A**.

ADDITIONAL INFORMATION

- (1) **U.S.G.S. Topographic Map** – Map was furnished to the State Historic Preservation Office within the Indiana Department of Natural Resources (“SHPO”).
- (2) **Written Description of Right of Way** – The right-of-way ranges from 20 feet to 100 feet in width along the main track centerline. Pursuant to Surface Transportation Board policy, the railroad’s right-of-way will constitute the Area of Potential Effect (“APE”) for this undertaking.
- (3) **Photographs** – There is one structure (a bridge) on the Line. It is located at Milepost GI 2.18, on the portion of the Line to be converted. A photograph of the bridge was furnished to the SHPO.
- (4) **Date of Construction of Structures** – Based on information in NSR’s possession, it is unable to determine when the sole structure on the Line (a bridge) was constructed. However, NSR does not intend to remove or dismantle the bridge. A bridge list is attached as Appendix D.
- (5) **History of Operations and Changes Contemplated** – The Line that is the subject of this abandonment consists of approximately 2.29 miles of rail line between Milepost GI 0 and Milepost GI 2.29 in the City of Fort Wayne, Indiana.

The Line is a small stub-end branch line that was part of the old Fort Wayne and Jackson and Saginaw Railroad Company main line between Jackson, Michigan and Fort Wayne, Indiana. The whole Fort Wayne and Jackson line consisting of approximately 97.83 miles of line between Jackson, MI and Ft. Wayne, IN was originally completed by the Fort Wayne, Jackson and Saginaw Railroad Company on December 25, 1870. The Fort Wayne, Jackson and Saginaw was a consolidation of the Jackson, Fort Wayne and Cincinnati and the Fort Wayne, Jackson and Saginaw Railroads, formed April 6, 1869. The consolidated Fort Wayne, Jackson and Saginaw

defaulted on its debts on January 1, 1874. It was subsequently sold under foreclosure on December 3, 1879.

The Fort Wayne & Jackson Railroad Company was incorporated under the laws of Michigan and Indiana on December 27, 1879, following the reorganization of the Fort Wayne, Jackson & Saginaw Railroad Company, which became effective on January 1, 1880. The line was leased in perpetuity to the Lake Shore & Michigan Railway Company, effective August 24, 1882. The lease was assumed by the New York Central Railroad Company in December 1914, and by the Penn Central Company, by virtue of the merger of the New York Central Railroad Company and Pennsylvania Railroad Company on February 1, 1968. The Line was operated as part of Penn Central's Waterloo Branch that continued to the south of Ft. Wayne. However, much of the Waterloo Branch was abandoned by not being transferred to Conrail as part of the Final System Plan. The Line was operated by Conrail after the consolidation of the bankrupt northeastern railroads by the USRA on April 1, 1976.

On June 1, 1982, N&W and Southern Railway Company consolidated as subsidiaries of Norfolk Southern Corporation, pursuant to authority granted by the Interstate Commerce Commission.

Effective December 31, 1990, Southern Railway Company changed its name to Norfolk Southern Railway Company. N&W became a wholly owned subsidiary of NSR rather than a subsidiary of Norfolk Southern Corporation.

Pursuant to an ICC decision in Finance Docket No. 32736, Norfolk and Western Railway Company – Purchase and Operation Exemption – Consolidated Rail Corporation Between Fort Wayne and Warsaw, IN, served August 29, 1995, NSR's predecessor, Norfolk & Western, purchased three line segments in Indiana, including this subject segment.

Pursuant to a notice of exemption filed in STB Finance Docket No. 33648, Norfolk Southern Railway Company – Merger Exemption – Norfolk and Western Railway Company, served August 31, 1998, Norfolk Southern Railway Company (NSR) merged Norfolk and Western Railway Company (NW) into NSR effective September 1, 1998.

In this proceeding, NSR is seeking to abandon the entire Line and convert the portion of Line from Milepost GI 1.85 to Milepost GI 2.29 (where it connects to NSR's B-Line) from common carrier track (§ 10901) to § 10906 track to support current and future operation needs on NSR's nearby main line.

(6) Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic – While plans may be available for the sole structure on the Line, it is most likely that any such plans are standard plans used for the construction of similar structures on the dates of construction. Regardless, NSR does not intend to remove or dismantle the sole structure (a bridge).

(7) Opinion Regarding Criteria For Listing In The National Register Of Historic Places – There is one structure located within the APE for this project. NSR does not intend to remove or dismantle the bridge. Additionally, NSR does not believe that the structure nor the Line itself meets the criteria for listing in the *National Register of Historic Places*. There are no plans for salvage activity on the Line.

(8) Subsurface Ground Conditions That Might Affect Archaeological Recovery - The railroad is not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery. Moreover, abandonment of the Line will not affect any potential archaeological resources. The subsurface of the right-of-way was initially disturbed in the construction of the Line by grading and filling. Abandonment of the Line will not result in

activities below the surface, or below the level of initial disturbance because no further salvage activities are anticipated.

(9) **Follow-Up Information** – Additional information will be provided as appropriate.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

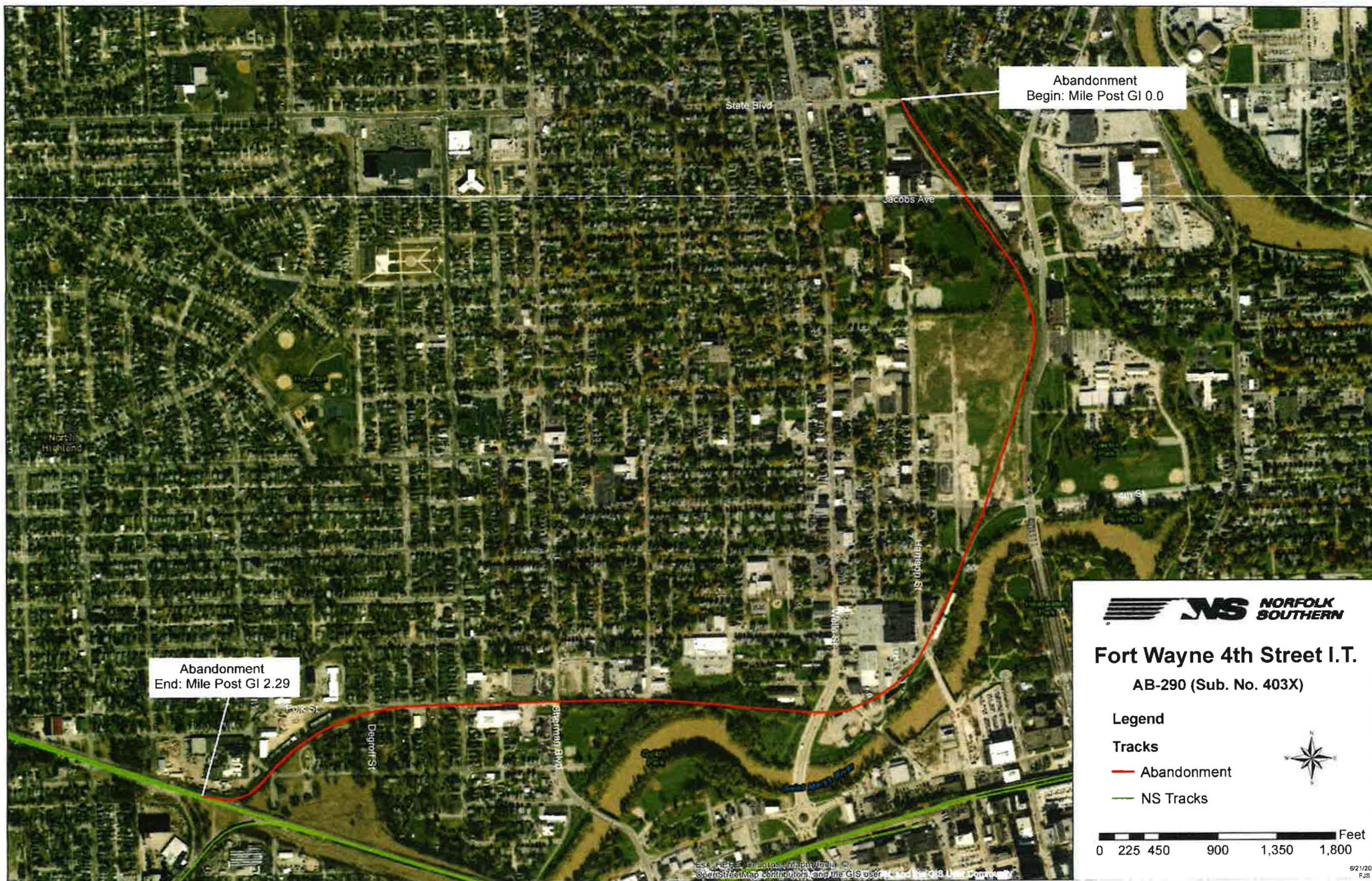
AB-290 (Sub-No. 403X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– PROPOSED ABANDONMENT –
IN THE CITY OF FORT WAYNE, INDIANA**

Combined Environmental and Historic Report

APPENDIX A

Map



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

AB-290 (Sub-No. 403X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– PROPOSED ABANDONMENT –
IN THE CITY OF FORT WAYNE, INDIANA**

Combined Environmental and Historic Report

APPENDIX B

Sample Consultation Letter & Recipient List

[DATE]

[ENTITY]

RE: AB-290 (Sub-No. 403X), Norfolk Southern Railway Company Abandonment – in
Fort Wayne, IN

[GREETING]:

Norfolk Southern Railway Company (NSR) plans to request authority from the Surface Transportation Board (STB) to abandon the segment of rail line between Milepost GI 0.0 and Milepost GI 2.29, a distance of 2.29 miles in the City of Fort Wayne, IN ("Line").

Enclosed is a Combined Environmental and Historic Report (Report) which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in **Appendix A** of this report. **Appendix B** of this report lists the various agencies receiving it. **Appendix C** of this report lists the various agency responses. **Appendix D** of this report provides information regarding the bridge on the Line.

The railroad does not anticipate adverse environmental impacts; however, if you identify any adverse environmental effects, please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in the Report and sent to the Surface Transportation Board (STB).

This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Office of Environmental Analysis (OEA) by telephone at (202) 245-0245 or by mail to:

Surface Transportation Board
395 E Street, S.W., Room 1106
Washington DC 20423-0001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, NSR must receive your comments within three weeks. Please provide information to Scott Plum by email or by mail at:

Scott Plum, Manager
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510
(757) 629-2884
scott.plum@nscorp.com

Best regards,

Laura E. Hoag

Attachment

RECIPIENT LIST
AB-290 (Sub-No 403X)

Proposed Rail Line Abandonment on Norfolk Southern Railway Company's rail line segment between GI 0.0 and GI 2.29 in Fort Wayne, Indiana, a distance of approximately 2.29 miles.

STATE HISTORIC PRESERVATION OFFICE

Ms. Beth McCord
Deputy State Historic Preservation Officer
Indiana Department of Natural Resources
402 W. Washington Street, W274
Indianapolis, IN 46204

STATE DOT

Ms. Venetta Keefe
Rail Programs Manager
Indiana Department of Transportation
100 North Senate Ave., IGCN 955
Indianapolis, IN. 46204

US ENVIRONMENTAL PROTECTION AGENCY

US EPA
William Jefferson Clinton (WJC) Building
1200 Pennsylvania Ave., NW
Mail Code 1101-A
Washington, DC 20460

REGIONAL/STATE EPA

Ms. Virginia Laszewski
NEPA Program Office
US EPA Region 5
77 West Jackson Boulevard
Chicago, IL 60604-3507

Indiana Department of Environmental Management
Government Center North
100 North Senate Avenue
Indianapolis, IN 46204

CITY

Mayor Tom Henry
City of Fort Wayne
Office of the Mayor
200 East Berry Street
Fort Wayne, Indiana 46802

COUNTY

Mr. Chris Cloud
Chief of Staff, Allen County
Citizens Square
200 East Berry Street, Suite 410
Fort Wayne, Indiana 46802

US ARMY CORPS OF ENGINEERS

Mr. Aaron Damrill
US Army Corps of Engineers
Regulatory Michiana Branch
2422 Viridian Drive, Suite #200
South Bend, IN 46628-3561

STATE COASTAL ZONE MANAGEMENT

Ms. Kathryn Vallis
Coastal Resources Planner
Indiana Department of Natural Resources, Lake Michigan
Coastal Program
402 W. Washington St., Room W267
Indianapolis, IN 46204

FISH AND WILDLIFE SERVICE

Mr. Charles Wooley
Regional Director
United States Fish & Wildlife Service
Midwest Region 3
5600 American Boulevard West, Suite 990
Bloomington, MN 55437

NATIONAL PARK SERVICE

Mr. Stephan Noffield
National Park Service
Rivers, Trails, and Conservation Assistance Program
1849 C. Street NW, Room 1344
Washington, DC 20240

Mr. David Thomson
National Park Service, Midwest Regional Office
Rivers, Trails, and Conservation Assistance Program
601 Riverfront Dr.
Omaha, NE 68102

NATIONAL GEODETIC SURVEY

Communications and Outreach Branch, NOAA, N/NGS12
National Geodetic Survey, SSMC3 #9340
1315 East West Highway
Silver Spring, MD 20910-3282

NATURAL RESOURCES CONSERVATION SERVICE

Mr. Salvador Salinas
Regional Conservationist – Central
USDA Natural Resources Conservation Service
1400 Independence Ave SW, #5204-S
Washington, DC 20250

Mr. Jerry Raynor
State Conservationist
USDA NRCS Indiana State Office
6013 Lakeside Drive
Indianapolis, IN 46278

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

AB-290 (Sub-No. 403X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– PROPOSED ABANDONMENT –
IN THE CITY OF FORT WAYNE, INDIANA**

Combined Environmental and Historic Report

APPENDIX C

Agency Comments/Responses

Plum, Scott D.

From: Vallis, Kathryn <KVallis@dnr.IN.gov>
Sent: Thursday, August 15, 2019 2:15 PM
To: Plum, Scott D.
Subject: [EXTERNAL] Review Request for AB-290 (Sub-No. 403X), Norfolk Southern Railroad Company Abandonment, Fort Wayne, IN Report
Attachments: LMCP Coastal Program Area.pdf

Dear Mr. Plum,

Thank you for Ms. Hoag's 06-August-2019 request to review your AB-290 (Sub-No. 403X), Norfolk Southern Railroad Company Abandonment-Fort Wayne, IN report. Fort Wayne, IN is located outside of the IDNR Lake Michigan Coastal Program's service boundaries of the Lake Michigan Watershed (please see attachment). As such, we will not be able to provide comments at this time.

I recommend contacting [Christie Stanifer](#), Environmental Coordinator, IDNR Division of Fish and Wildlife, for input regarding potential environmental impacts resulting from the abandonment of the described segment of rail line ("between Milepost GI 0.0 and Milepost GI 2.29" in Fort Wayne, IN). Her contact information is provided below:

Christie Stanifer, Environmental Coordinator
Indiana Department of Natural Resources
Division of Fish and Wildlife
402 West Washington Street, Room W273
Indianapolis, IN 46204-2781
environmentalreview@dnr.IN.gov
317-232-9163

Please let me know if you have any questions or if I can be of further assistance.

Sincerely,

Kathryn Vallis
Coastal Resources Planner
Indiana Department of Natural Resources
Division of Nature Preserves
Lake Michigan Coastal Program
Dunes State Park Annex
1600 North 25 East
Chesterton, IN 46304
kvallis@dnr.in.gov
219.926.9757
www.dnr.IN.gov

** Please let us know about the quality of our service by taking this brief [customer survey](#).*

Plum, Scott D.

From: Plum, Scott D.
Sent: Thursday, August 22, 2019 9:34 AM
To: 'DNR Environmental Review'
Subject: RE: Norfolk Southern Railway Abandonment - Fort Wayne, IN AB-290 (Sub-No. 403X)

Christie,

There's no requirement for a letter. We simply wanted to provide you with a courtesy copy as suggested by Kathryn Vallis.

Scott

From: DNR Environmental Review [mailto:environmentalreview@dnr.IN.gov]
Sent: Thursday, August 22, 2019 9:07 AM
To: Plum, Scott D. <Scott.Plum@nscorp.com>
Subject: [EXTERNAL] RE: Norfolk Southern Railway Abandonment - Fort Wayne, IN AB-290 (Sub-No. 403X)

Good morning, Scott. If you need for us to review this and send a response letter back, then let me know. I recall you saying there was no actual work associated with it, so I don't think there's a reason for us to review it unless someone is requiring that you obtain a letter.

Sincerely,

Christie L. Stanifer
Environmental Coordinator
Indiana Department of Natural Resources
Division of Fish and Wildlife
402 West Washington St, Room W273
Indianapolis, IN 46204
Direct: (317) 232-8163
www.dnr.IN.gov

** Please let us know about the quality of our service by taking this brief [customer survey](#).*

From: Plum, Scott D. [mailto:Scott.Plum@nscorp.com]
Sent: Tuesday, August 20, 2019 11:11 AM
To: DNR Environmental Review <environmentalreview@dnr.IN.gov>
Subject: Norfolk Southern Railway Abandonment - Fort Wayne, IN AB-290 (Sub-No. 403X)

Ms. Christie Stanifer,

Kathryn Vallis recommended that we send you a copy of this E&HR which was originally sent out on August 6, 2019. We are required to serve various consulting agencies, and since it was suggested that you receive a copy, we are sending you a courtesy copy as well.

If you have any questions, please contact me.

Plum, Scott D.

From: Plum, Scott D.
Sent: Tuesday, August 20, 2019 11:11 AM
To: 'environmentalreview@dnr.IN.gov'
Subject: Norfolk Southern Railway Abandonment - Fort Wayne, IN AB-290 (Sub-No. 403X)
Attachments: Fort Wayne E&HR to IDNR-FWS.PDF

Ms. Christie Stanifer,

Kathryn Vallis recommended that we send you a copy of this E&HR which was originally sent out on August 6, 2019. We are required to serve various consulting agencies, and since it was suggested that you receive a copy, we are sending you a courtesy copy as well.

If you have any questions, please contact me.

Scott Plum

*Manager - NS Strategic Planning
3 Commercial Place /Norfolk, VA 23510
757 629 2884
scott.plum@nscorp.com*

From: Vallis, Kathryn [mailto:KVallis@dnr.IN.gov]
Sent: Thursday, August 15, 2019 2:15 PM
To: Plum, Scott D. <Scott.Plum@nscorp.com>
Subject: [EXTERNAL] Review Request for AB-290 (Sub-No. 403X), Norfolk Southern Railroad Company Abandonment, Fort Wayne, IN Report

Dear Mr. Plum,

Thank you for Ms. Hoag's 06-August-2019 request to review your AB-290 (Sub-No. 403X), Norfolk Southern Railroad Company Abandonment-Fort Wayne, IN report. Fort Wayne, IN is located outside of the IDNR Lake Michigan Coastal Program's service boundaries of the Lake Michigan Watershed (please see attachment). As such, we will not be able to provide comments at this time.

I recommend contacting Christie Stanifer, Environmental Coordinator, IDNR Division of Fish and Wildlife, for input regarding potential environmental impacts resulting from the abandonment of the described segment of rail line ("between Milepost GI 0.0 and Milepost GI 2.29" in Fort Wayne, IN). Her contact information is provided below:

Christie Stanifer, Environmental Coordinator
Indiana Department of Natural Resources
Division of Fish and Wildlife
402 West Washington Street, Room W273
Indianapolis, IN 46204-2781
environmentalreview@dnr.IN.gov
317-232-9163

Plum, Scott D.

From: john.ellingson <ngs.infocenter@noaa.gov>
Sent: Thursday, August 22, 2019 2:55 PM
To: Plum, Scott D.
Subject: [EXTERNAL] [JIRA] (IMOV-5979) Re: STB Docket No. AB-290 (Sub-No. 403X)

A comment is added on your issue:

Re: Re: STB Docket No. AB-290 (Sub-No. 403X)

On August 22, I called Scott Plum and informed him that I had researched the area of their proposed abandonment and my research revealed that there were NO NGS monuments near their proposed section of rail corridor. I informed him that I would follow our call up with an email telling him that there are no conflicts. I did so shortly after the call with him. I copied Deborah Brooks in that email so that she was alerted that this issue can be closed. I plan to try to close this JIRA ticket as soon as I finish adding this explanation/update.

John Ellingson

National Geodetic Survey



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204

(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Bruno L. Pigott
Commissioner

August 26, 2019

Indiana Department of Environmental Management
Government Center North
100 North Senate Ave
Indianapolis, IN 46204

RE: AB-290 (Sub-No. 403X), Norfolk Southern Railway Company Abandonment – In fort Wayne IN.

Dear Scott Plum:

The Indiana Department of Environmental Management (IDEM) Office of Records Management (ORM) has received your request for information concerning:

Norfolk Southern Railway Company (NSR) plans to request authority form the Surface Transportation Board (STB) to abandon the segment of rail line between Milepost GI 0.0 and Milepost GI 2.29, a distance of 2.29 miles in the City of Fort Wayne, IN.

IDEM has searched for any documented environmental occurrences along this corridor. Below is a summary of the findings:

Under Ground Storage Tank Facilities – Tank Facility

FID #	Virtual Filing Cabinet URL
13367	https://ecm.idem.in.gov/cs/idcplg?IdcService=GET_SEARCH_RESULTS&QueryText=xFID+%3Ccontains%3E+%6013367%60&searchFormType=queryBuilder&SearchQueryFormat=UNIVERSAL&ftx=&AdvSearch=True&ResultCount=20&SortField=xDocumentDate&SortOrder=Desc
6942	https://ecm.idem.in.gov/cs/idcplg?IdcService=GET_SEARCH_RESULTS&QueryText=xFID+%3Ccontains%3E+%606942%60&searchFormType=queryBuilder&SearchQueryFormat=UNIVERSAL&ftx=&AdvSearch=True&ResultCount=20&SortField=xDocumentDate&SortOrder=Desc
5531	https://ecm.idem.in.gov/cs/idcplg?IdcService=GET_SEARCH_RESULTS&QueryText=xFID+%3Ccontains%3E+%605531%60&searchFormType=queryBuilder&SearchQueryFormat=UNIVERSAL&ftx=&AdvSearch=True&ResultCount=20&SortField=xDocumentDate&SortOrder=Desc
14564	https://ecm.idem.in.gov/cs/idcplg?IdcService=GET_SEARCH_RESULTS&QueryText=xFID+%3Ccontains%3E+%6014564%60&searchFormType=queryBuilder&SearchQueryFormat=UNIVERSAL&ftx=&AdvSearch=True&ResultCount=20&SortField=xDocumentDate&SortOrder=Desc

15676	https://ecm.idem.in.gov/cs/idcplg?IdcService=GET_SEARCH_RESULTS&QueryText=xFID+%3Ccontains%3E+%6015676%60&searchFormType=queryBuilder&SearchQueryFormat=UNIVERSAL&ftx=&AdvSearch=True&ResultCount=20&SortField=xDocumentDate&SortOrder=Desc
20588	https://ecm.idem.in.gov/cs/idcplg?IdcService=GET_SEARCH_RESULTS&QueryText=xFID+%3Ccontains%3E+%6020588%60&searchFormType=queryBuilder&SearchQueryFormat=UNIVERSAL&ftx=&AdvSearch=True&ResultCount=20&SortField=xDocumentDate&SortOrder=Desc
4074	https://ecm.idem.in.gov/cs/idcplg?IdcService=GET_SEARCH_RESULTS&QueryText=xFID+%3Ccontains%3E+%604074%60&searchFormType=queryBuilder&SearchQueryFormat=UNIVERSAL&ftx=&AdvSearch=True&ResultCount=20&SortField=xDocumentDate&SortOrder=Desc
8324	https://ecm.idem.in.gov/cs/idcplg?IdcService=GET_SEARCH_RESULTS&QueryText=xFID+%3Ccontains%3E+%608324%60&searchFormType=queryBuilder&SearchQueryFormat=UNIVERSAL&ftx=&AdvSearch=True&ResultCount=20&SortField=xDocumentDate&SortOrder=Desc
6785	https://ecm.idem.in.gov/cs/idcplg?IdcService=GET_SEARCH_RESULTS&QueryText=xFID+%3Ccontains%3E+%606785%60&searchFormType=queryBuilder&SearchQueryFormat=UNIVERSAL&ftx=&AdvSearch=True&ResultCount=20&SortField=xDocumentDate&SortOrder=Desc

State Cleanup – Land Site ID

Land Site ID #	Virtual Filing Cabinet URL
199701111	https://ecm.idem.in.gov/cs/idcplg?IdcService=GET_SEARCH_RESULTS&QueryText=xProgram+%3Ccontains%3E+%60State+Cleanup%60+%3CAND%3E+xSiteNum+%3Ccontains%3E+%60199701111%60&searchFormType=queryBuilder&SearchQueryFormat=UNIVERSAL&ftx=&AdvSearch=True&ResultCount=20&SortField=xDocumentDate&SortOrder=Desc

Hazardous Waste Site – Hazardous Waste Program ID

HW Site ID #	Virtual Filing Cabinet URL
IND132341678	https://ecm.idem.in.gov/cs/idcplg?IdcService=GET_SEARCH_RESULTS&QueryText=xProgram+%3Ccontains%3E+%60HW+Site%60+%3CAND%3E+xHWProgramID+%3Ccontains%3E+%60IND132341678%60&searchFormType=queryBuilder&SearchQueryFormat=UNIVERSAL&ftx=&AdvSearch=True&ResultCount=20&SortField=xDocumentDate&SortOrder=Desc

IND981786924	https://ecm.idem.in.gov/cs/idcplg?IdcService=GET_SEARCH_RESULTS&QueryText=xProgram+%3Ccontains%3E+%60HW+Site%60+%3CAND%3E+xHWPProgramID+%3Ccontains%3E+%60IND981786924%60&searchFormType=queryBuilder&SearchQueryFormat=UNIVERSAL&ftx=&AdvSearch=True&ResultCount=20&SortField=xDocumentDate&SortOrder=Desc
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Brownfields – ULCER ID

ULCERS ID #	Virtual Filing Cabinet URL
4180207	https://ecm.idem.in.gov/cs/idcplg?IdcService=GET_SEARCH_RESULTS&QueryText=xProgram+%3Ccontains%3E+%60Brownfields%60+%3CAND%3E+xULCERNum+%3Ccontains%3E+%604180207%60&searchFormType=queryBuilder&SearchQueryFormat=UNIVERSAL&ftx=&AdvSearch=True&ResultCount=20&SortField=xDocumentDate&SortOrder=Desc

Thank you,

IDEM - Office of Records Management
Indiana Government Center North, Room 1207
100 North Senate Avenue
Indianapolis, IN 46204
Phone: (317) 232-8667
Fax: (317) 233-6647
Email: IDEMFILEROOM@idem.in.gov

Plum, Scott D.

From: McCloskey, Elizabeth <elizabeth_mccloskey@fws.gov>
Sent: Wednesday, August 7, 2019 4:06 PM
To: Plum, Scott D.
Subject: [EXTERNAL] Docket AB-290 Sub No. 403X Fort Wayne, Indiana
Attachments: NSRR Track Abandonment Fort Wayne.pdf

Good afternoon, the USFWS letter is attached.

Elizabeth McCloskey
U.S. Fish and Wildlife Service
Northern Indiana Suboffice
Ecological Services
Chesterton, Indiana



United States Department of the Interior Fish and Wildlife Service



Indiana Field Office (ES)
620 South Walker Street
Bloomington, IN 47403-2121
Phone: (812) 334-4261 Fax: (812) 334-4273

August 7, 2019

Mr. Scott Plum
Manager
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, Virginia 23510

Project No.: Docket No. AB-290 (Sub-No. 403X)
Project: Norfolk Southern Railway Company Line Abandonment
Location: Fort Wayne, Allen County, Indiana

Dear Mr. Plum:

This responds to Ms. Laura E. Hoag's letter dated July 25, 2019, requesting our comments on the aforementioned project.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et. seq.) and are consistent with the intent of the National Environmental Policy Act of 1969, the Endangered Species Act of 1973, and the U. S. Fish and Wildlife Service's Mitigation Policy.

The proposed project consists of the abandonment of 2.29 miles of track between Mileposts GI 0.0 and GI 2.29 on the west side of downtown Fort Wayne within an area with a mix of residential, commercial, and industrial land uses. Bloomington City Park is adjacent to the right-of-way between Lincoln Highway and Ewing Street but the track has already been removed in this area. The St. Marys River flows along the south side of the park and River Greenways Trail traverses the park and continues east/northeast close to the railroad right-of-way; a portion of Spy Run Creek is also near the north end of the right-of-way. Lawton City Park is located east of the right-of-way and North Clinton Street/US 27 north of the river. We are not aware of any other parks, refuges, or forests in the vicinity.

ENDANGERED SPECIES

The proposed project is within the range of the Federally endangered Indiana bat (Myotis sodalis) and rayed bean mussel (Villosa fabalis) and the threatened northern long-eared bat (Myotis septentrionalis) and eastern massasauga rattlesnake (Sistrurus catenatus). However, there is no habitat for any of these species within the proposed project area, so we agree that the proposed project is not likely to adversely affect these endangered and threatened species.

This precludes the need for further consultation on this project as required under Section 7 of the Endangered Species Act of 1973, as amended. However, should new information arise pertaining to project plans or a revised species list be published, it will be necessary for the Federal agency to reinitiate consultation.

We appreciate the opportunity to comment on this proposed railroad abandonment. If you have any questions, please contact Elizabeth McCloskey at (219) 983-9753 or elizabeth_mccloskey@fws.gov.

Sincerely yours,

/s/ *Elizabeth S. McCloskey*

for Scott E. Pruitt
Supervisor

Sent via email August 7, 2019; no hard copy to follow.

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

AB-290 (Sub. No. 403X)

**NORFOLK SOUTHERN RAILWAY COMPANY
– PROPOSED ABANDONMENT –
IN THE CITY OF FORT WAYNE, IN**

Combined Environmental and Historic Report

APPENDIX D

Bridge List

Milepost	Crossing	Bridge Type	Deck Construction	Length in Feet	Height in Feet	Date Constructed
GI 2.18	Osage Street	Steel Beam	Ballast Deck	58	16	Unknown

Photo of Bridge GI 2.18

View from Osage Street looking in an eastward direction



**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

AB-290 (Sub-No. 403X)

**NORFOLK SOUTHERN RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN THE CITY OF FORT WAYNE, INDIANA**

VERIFIED NOTICE OF EXEMPT ABANDONMENT

**DRAFT NOTICE OF EXEMPTION
[CAPTION SUMMARY]**

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[AB 290 (Sub-No. 403X)]

Norfolk Southern Railway Company – Abandonment Exemption – In the City of Fort Wayne,
Indiana

Norfolk Southern Railway Company has filed on September 5, 2019, a verified notice of exemption under 49 C.F.R. part 1152 subpart F–Exempt Abandonments to abandon rail service over an approximately 2.29 mile rail line segment extending between Milepost GI 0.0 and Milepost GI 2.29 in the City of Fort Wayne, IN (the “Line”).¹ While NSR is seeking to abandon the entire Line, NSR plans to convert the portion of Line from Milepost GI 1.85 to Milepost GI 2.29² (where it connects to NSR's B -Line) from common carrier track to § 10906 track ("Converted 10906 Segment") to support current and future operation needs on NSR's nearby mainline. No shippers have been served by the Line for nearly two decades and the sole shipper located on the Line at that time supported the abandonment. As such, converting the Converted 10906 Segment from common carrier track to § 10906 track will not impact any shippers. All of the Line is located in the City of Fort Wayne, Indiana. The Line traverses United States Postal Zip Code territories 46805 and 46808. There are no customers served on the Line, which has been out of service for nearly two decades.

¹ The Line being proposed for abandonment has a complicated history, which may have unintentionally resulted in NSR failing to seek abandonment authority in a timely manner for certain segments of the Line. Although no definitive conclusion has been reached as to whether the Line is §10901 or § 10906 track, NSR has decided to seek abandonment authority out of an abundance of caution to clean up the regulatory record to extent the Board believes abandonment authority should have been sought.

² While no tracks remain in place from Milepost GI 1.85 to Milepost GI 2.04, NSR has determined to convert that portion of the Line to § 10906 to support rail operations on a nearby NSR rail line.

NSR has certified that: (1) no local NSR traffic has moved over the Line for at least two years; (2) that no overhead NSR traffic has moved over the Line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the Line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 C.F.R. § 1105.7(c) (environmental report), 49 C.F.R. § 1105.11 (transmittal letter), 49 C.F.R. § 1105.12 (newspaper publication), and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line Railroad – Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on October 25, 2019, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,³ formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2),⁴ and trail use/rail banking requests under 49 C.F.R. § 1152.29 must be filed by _____, 2019. Petitions to reopen or requests for public

³ The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-of-Serv. Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

⁴ Each OFA must be accompanied by the filing fee, which is currently set at \$1,800. See 49 C.F.R. § 1002.2(f)(25).

use conditions under 49 C.F.R. § 1152.28 must be filed by _____, 2019, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

A copy of any petition filed with the Board should be sent to NSR's representative: Crystal M. Zorbaugh, Baker & Miller PLLC, 2401 Pennsylvania Ave., NW, Suite 300, Washington, DC 20037.

If the verified notice contains false or misleading information, the exemption is void ab initio.

NSR has filed a combined environmental and historic report which addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by _____, 2019. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 C.F.R. § 1152.29(e)(2), NSR shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the Line. If consummation has not been effected by NSR's filing of a notice of consummation by _____, 2020, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at WWW.STB.DOT.GOV.

Decided: _____, 2019.

By the Board, _____, Acting Director, Office of Proceedings